

619.044121

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

ALFREDO MIRANDA, as father and next	)	
Friend of EMILY MIRANDA, minor,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.
	)	
DONALD C. ANTLE and SCHNEIDER	)	
NATIONAL CARRIERS, INC.,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Defendant, Schneider National Carriers, Inc., by and through its counsel, Shimon B. Kahan of LaBarge Campbell Lyon & Kahan, LLC, pursuant to 28 U.S.C. §1332, 1441 and 1446, submits its Notice of Removal to this Court from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois, Eastern Division. In support of this Notice of Removal, defendant states as follows:

1. This case arises out of a motor vehicle accident that occurred on March 16, 2020 at or near 5033 South Western Avenue in Chicago, Illinois, within Cook County, at approximately 6:38 a.m. See Plaintiff's Complaint, Ex A.
2. Alfredo Miranda has filed suit on behalf of his daughter Emily Miranda, a minor, for personal injury allegedly arising out of an accident that took place with a vehicle operated by Donald Antle. See Plaintiff's Complaint, Ex A.
3. Alfredo Miranda operated a 2004 Chevrolet Tahoe.
4. Donald Antle operated a truck tractor.

5. Upon information and belief, plaintiff is a domiciled citizen of the state of Illinois. Emily Miranda and Alfredo Miranda are domiciled in the City of Chicago at 4325 S. California Avenue, Chicago, Illinois. See Ex B, Illinois Traffic Crash Report (dates of birth are redacted) and Ex A, par 1.

6. Defendant Schneider National Carriers, Inc. is incorporated in the state of Nevada with its principal place of business in the state of Wisconsin. It is not a corporate citizen of the state of Illinois.

7. Co-defendant Donald Antle, who has not been served, is a citizen of and domiciled in the state of Colorado.

8. For purposes of determining diversity jurisdiction under 28 U.S.C. §1332(c)(1), at all relevant times, plaintiff and defendants were not citizens of the same state.

9. In the complaint, plaintiff alleges within paragraph 12 that she suffered disability, disfigurement, past and future pain and suffering, past and future emotional distress, past and future medical care, and the reasonable expense of necessary help. See Ex A.

10. Under Illinois State law per Supreme Court Rule 222, a plaintiff must plead in good faith whether plaintiff seeks more or less than \$50,000. Here, Plaintiff complied with Illinois pleading requirements wherein plaintiff seeks damages in excess of \$50,000. See Plaintiff's Affidavit of Damages, Ex. C.

11. In the wherefore clause, plaintiff asserted that plaintiff seeks in excess of \$50,000 as compensation. See Ex A.

12. Removal to federal court based on diversity jurisdiction is proper when there is a "reasonable probability that more than \$75,000 is in controversy." See *Rising-Moore v. Red Roof Insurance Co.*, 735 Fed.3d 813, 815 (7<sup>th</sup> Cir. 2006).

13. Based upon the allegations of plaintiff's complaint and alleged damages, there is a reasonable probability that the amount in controversy exceeds \$75,000.

14. For the foregoing reasons, this is an action where the United States District court for the Northern District of Illinois has original jurisdiction pursuant to 28 U.S.C. §1332 because the matter in controversy exceeds value of \$75,000, exclusive of costs and interest, and plaintiff and defendants are domiciled citizens of different states.

15. This Notice of Removal is timely pursuant to 28 U.S.C. §1446(b); the defendant Schneider National Carriers, Inc. was served on or about March 25, 2022, within 30 days of the filing of this removal petition.

16. Plaintiff's counsel is served with this notice of removal simultaneously with this filing in accordance with the federal rules of civil procedure.

WHEREFORE, defendant Schneider National Carriers, Inc., pursuant to 28 U.S.C. §1441, removes this action from the Circuit Court of Cook County, Illinois, to this Court for further proceedings.

The defendant demands trial by jury.

s/ Shimon B. Kahan  
SHIMON B. KAHAN (#6207172)  
LaBarge Campbell Lyon & Kahan, LLC  
Attorney for Defendant Schneider National  
200 West Jackson Boulevard, Suite 2050  
Chicago, IL 60606  
Tel: (312) 735-2275  
[SKahan@lcllaw.com](mailto:SKahan@lcllaw.com)